

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Parts 22 and 90 of the)	RM-11311
Commission's Rules to Reallocate Certain 150)	
MHz Public Mobile Radio Service Frequencies)	
to the Public Safety Radio Services)	

REPLY COMMENTS OF MOTOROLA, INC.

Motorola, Inc. ("Motorola") respectfully submits these reply comments concerning the petition of Icom America, Inc. ("Icom") that seeks to initiate a rulemaking proceeding that would reallocate certain 150 MHz Public Mobile Radio Service frequencies to the Public Safety Radio Services.¹ Motorola agrees with the majority of commenters and urges the Commission to initiate a proceeding that would seek to provide public safety with additional VHF spectrum capacity.

At issue in the Icom Petition are eighteen channel pairs and four unpaired channels near 150 MHz that have historically been used for both common carrier paging operations and two-way mobile telephone service. As the Commission is well aware, the propagation characteristics of the 150 MHz band makes this spectrum very well suited for wide area communications and, as a result, public safety operators continue to rely heavily on this band for critical

¹ Amendment of Parts 22 and 90 of the Commission's Rules to Reallocate Certain 150 MHz Public Mobile Radio Service Frequencies to the Public Safety Radio Services, *Petition for Rulemaking*, RM-11311 (June 15, 2004) ("*Icom Petition*").

communications networks.² According to the Association of Public-Safety Communications Officials-International, Inc. (“APCO”), “there are many states for which VHF is the principal state-wide public safety frequency band, and there are many counties and municipalities for which VHF has always been their only frequency band for public-safety radio traffic.”³

APCO and the National Public Safety Telecommunications Council (“NPSTC”) have consistently emphasized the additional spectrum needs of public safety systems in the VHF High Band to promote more efficient, interoperable public safety systems.⁴ In the recent proceeding established to determine the spectrum requirements for first responders, APCO and NPSTC informed the Commission that additional VHF spectrum could provide public safety systems with capacity for new interoperability channels and “green space,” which will allow for more efficient channel assignments and potentially expanded use of trunking technology.⁵ Motorola agrees that VHF spectrum continue to play a critical role in providing public safety users with critical operability and interoperability solutions and therefore urges the Commission to initiate a rulemaking proceeding in order to provide public safety with additional spectrum capacity in that band.

Those commenters who oppose the petition for rulemaking claim that the Commission should refuse to reallocate frequencies in the 150 MHz band because public safety operators already have the ability to obtain this spectrum through waivers granted pursuant to Section

² See Comments of Wisconsin Department of Transportation; Comments of City of Chicago Fire Department; Comments of the State of Texas; Texas Department of Transportation, Radio Operations Branch at 2.

³ Comments of APCO at 2.

⁴ See Joint Comments of NPSTC and APCO, *Spectrum Needs of Emergency Providers*, WT Docket No. 05-157, at 7 (April 28, 2005).

⁵ *Id.*

337(c) of the Communications Act.⁶ These commenters also point out that the spectrum is already heavily encumbered, which explains why many licenses were not acquired in the most recent auctions affecting these channels.⁷ However, as emphasized by multiple commenters in support of the petition, the waiver process is time consuming and expensive.⁸ A cumbersome waiver process should not be allowed to delay the urgent need for spectrum by public safety operators if it is feasible for public safety systems to make productive use of spectrum that otherwise lies fallow. Further, the current utilization of the spectrum can be fully analyzed in the rulemaking process to determine whether there is available capacity for public safety systems. In so doing, the Commission should assess whether the existing licensees are maintaining operational systems or whether service has been permanently discontinued.

For the foregoing reasons, Motorola urges the Commission to grant this petition to initiate a rulemaking proceeding with a goal of providing public safety with additional VHF spectrum capacity. Such actions will improve public safety communications capabilities and thus serve the public interest.

⁶ 47 U.S.C. § 337(c). *See* Opposition to Petition for Rulemaking by Concerned Part 22 Carriers at 8-10.

⁷ *See* Opposition to Petition for Rulemaking by the American Association of Paging Carriers (“AAPC”) at 2.

⁸ *See* Comments of NPSTC at 3; Comments of Wisconsin Department of Transportation; Comments of the City of Chicago Fire Department.

Respectfully submitted,

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